

- 1 cluded within charge(s) for which he has been tried. If
the accused is found guilty of one or more of the spec-
ifications but not of the charge, a lesser charge should
be moved and voted on. If the accused is found guilty,
5 the chair announces that the next item of business is the
determination of the penalty. One of the managers for
the society usually makes a motion for a penalty the
managers feel appropriate (see pp. 624–25); this motion
is debatable and amendable. As in the case of an offense
10 committed at a meeting, on the demand of a single
member both the question of guilt and the question of
the penalty must be voted on by ballot. For expulsion,
a two-thirds vote is required.
- f) After voting is completed, the accused is called back
15 into the hall and advised of the result.

In general, in any trial within a society, an accused
should be found guilty of a charge only when his guilt, by
its nature, has created a situation such that the best inter-
ests of the organization or the profession it represents re-
20 quire a finding of guilty and the imposition of a penalty. A
member who votes for a finding of guilty at a trial should
be morally convinced of the existence of this kind of guilt
on the part of the accused, on the basis of the evidence he
25 has heard.

Assembly's Review of a Trial Committee's Findings. If
the trial has been held before a trial committee instead of the
assembly of the society, this committee reports to the assem-
bly in executive session (9) the results of its trial of the case,
30 with resolutions—in cases where its finding is one of *guilty*—
covering the penalty it recommends that the society impose.
The report should be prepared in writing and should include,
to the extent possible without disclosing confidential infor-
mation which should be kept within the committee, a sum-
35 mary of the basis for the committee's finding. Unless the

report exonerates the accused, he should then be permit-
1 ted—himself, or through his counsel, or both, as he prefers—
to make his statement of the case, after which the committee
should be given the opportunity to present a statement in re-
buttal. The accused—and his counsel if not member(s)—
5 then leave the room, and the assembly acts upon the
resolutions submitted by the committee. The members of the
committee should remain and vote on the case the same as
other members of the society. Under this procedure, the as-
sembly can decline to impose any penalty, notwithstanding
10 the trial committee's recommendation; or it can reduce the
recommended penalty; but it cannot increase the penalty.
The assembly cannot impose a penalty if the trial committee
has found the accused not guilty.

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COMMITTEE ON DISCIPLINE. In some profes-
sional societies and other organizations where particular as-
pects of discipline are of special importance, the handling of
such matters is simplified by providing in the bylaws for a
standing Committee on Discipline (see 50, 56). Its pre-
20 scribed duties are normally to be alert to disciplinary prob-
lems, to investigate them, to introduce all necessary
resolutions, and—in event of a trial—to manage the case for
the society. This committee may also have the duty of hear-
ing the actual trial, in which case it should be large enough
25 that a subcommittee can perform the confidential investi-
gation as described on pages 632–33. Under the latter prac-
tice, the full Committee on Discipline adopts the charge
and specifications, and the chairman of the committee
sends the citation to the accused and presides at the trial,
30 which is conducted just as it would be if held before the as-
sembly. It is generally best not to empower the committee
to *impose* a penalty, however, but to require it to report its
recommended disciplinary measures to the society for
action, just as in the case of a special committee to hear
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